

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION**

UNITED STATES OF AMERICA,

*ex rel.* ALEX DOE, Relator,

THE STATE OF TEXAS,

*ex rel.* ALEX DOE, Relator,

THE STATE OF LOUISIANA,

*ex rel.* ALEX DOE, Relator,

Plaintiffs,

v.

PLANNED PARENTHOOD  
FEDERATION OF AMERICA, INC.,  
PLANNED PARENTHOOD GULF  
COAST, INC., PLANNED  
PARENTHOOD OF GREATER  
TEXAS, INC., PLANNED  
PARENTHOOD SOUTH  
TEXAS, INC., PLANNED  
PARENTHOOD CAMERON  
COUNTY, INC., PLANNED  
PARENTHOOD SAN ANTONIO,  
INC.,

Defendants.

Civil Action No. 2:21-CV-00022-Z

**PLAINTIFFS' RESPONSE TO AFFILIATE DEFENDANTS'  
MOTION TO STAY**

As a desperate attempt to avoid trial, Defendants have made (at least) their *sixth* attempt to delay the case. PPFA insists that it can appeal an interlocutory order and that this Court therefore lacks jurisdiction and must grant a stay, and Affiliate Defendants request a stay as well. But PPFA's appeal is frivolous for the reasons explained in Plaintiffs' Response to PPFA's Motion to Stay (Dkt. 588). A "district court is permitted to maintain jurisdiction over an interlocutory appeal of an immunity denial after certifying that the appeal is frivolous or dilatory." *BancPass, Inc. v. Highway Toll Admin., L.L.C.*, 863 F.3d 391, 400 (5th Cir. 2017). The Court should deny both motions for stay, certify PPFA's appeal as frivolous, and retain jurisdiction. And in the alternative, as explained in Plaintiffs' Response to PPFA's Motion to Stay, even if PPFA's appeal were not frivolous and it had properly preserved and asserted defenses entitling it to an interlocutory appeal, the Court retains jurisdiction over PPFA for the rest of the case. PPFA's only basis for a stay is its erroneous claim that the Court totally lacks jurisdiction over PPFA.

If, despite all of this, the Court still grants a stay as to PPFA (and it *should not*), the Court should also grant a stay as to the Affiliate Defendants. Plaintiffs agree that having separate trials for the Affiliate Defendants and PPFA is inefficient and would waste the Court's and the parties' resources.

Respectfully submitted.

/s/ Heather Gebelin Hacker

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 18, 2023, this document was electronically filed and served via the Court's CM/ECF system.

/s/ Heather Gebelin Hacker  
Heather Gebelin Hacker